



MSU 4.1-406
3/06/00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alberto L. Mendoza
Serial No.: 09/082,112 Group Art Unit: 1645
Filed : 1998 May 20
For : METHOD AND VACCINE FOR TREATMENT OF
PYTHIOSIS INSIDIOSI IN HUMANS AND
LOWER ANIMALS
Examiner : S. Turner

Commissioner of Patents and Trademarks
Washington, D. C. 20231

DECLARATION UNDER 37 CFR 1.132

Sir:

Alberto L. Mendoza states as follows:

(1) That he is an Assistant Professor of Medical Technology and Microbiology at Michigan State University in East Lansing, Michigan, and has a Masters degree from the University of Guelph, Ontario, Canada in 1991 and a PHD from the University of Texas at Austin in 1995. He has taught in academia for twenty (20) years.

(2) That in the Office Action it is suggested that the term "extracellular antigens" is misdefined in the application. The assertions in the Office Action in this regard are technically completely incorrect. Extracellular antigens are by definition never attached to the outside of the cell and are in fact detached from

*Considered See
Advisory #22
8/15/00*

the cell.


(3) That enclosed are copies of a few samples of publications which define "extracellular".

- (a) Introductory Microbiology by J. Levy et al, The University of British Columbia, Vancouver, Canada, John Wiley & Sons, Inc.;
- (b) Color Atlas and Textbook of Diagnostic Microbiology, Fifth Edition, page 793;
- (c) Applied Microbiology, Vol. 16, No. 9 pages 1370-1374 (Sept. 1968);
- (d) Microbiology An Introduction, Fifth Edition, page 85;
- (e) American Journal of Clinical Pathology, Vol. 79, No. 3, pages 379-381 (March 1983);
- (f) Dictionary of Microbiology, page 149.

In each publication the term is defined as being separated from the cells. The term "extracellular" is defined as "occurring or found outside a cell" (Webster's II, New Riverside University Dictionary (1988); copy attached); and

(4) That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Alberto L. Mendoza
Date: 3/7/00